

REMARKS

Claim 1 has been amended above and the remaining claims left unchanged. In view of the action taken and the following remarks, reconsideration of this application is requested.

Claims 1-10, 12-22, and 24 have been rejected under 35 USC § 102 based on the Boy patent while claims 11 and 23 have been rejected under § 103 based on the Boy patent when viewed in combination with the Durth et al. patent. However, these rejections are inapplicable to the claims as now presented for the following reasons.

As can be seen in the drawings, in every embodiment of the present invention, the discharge space 5 extends from a radially outer area of the face of one of the electrodes 1, 2 to a diametrically opposite radially outer area of the face of the other of the electrodes 1, 2. as noted in paragraph [0036], the configurations adopted in accordance with the present invention have the effect of “preventing the formation of line follow current.” Neither of the Boy and Durth et al. patents teach or even suggest constructing of a surge suppressor in the manner disclosed and claimed by the present applicants. Furthermore, it is noted that the present inventors are two of the three inventors named in the Durth et al. patent and the present application and U.S. Patent 7,324,319 were, at the time the invention of the present application was made, commonly owned such that it appears that the co-pending Durth et al. patent is not prior art usable under § 103.

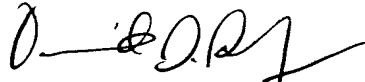
Accordingly, for all of the above reasons, withdrawal of the outstanding rejections are in order and are hereby requested. Furthermore, in the absence of new and more relevant prior art being discovered, this application should now be in condition for allowance and action to that effect is requested.

While it is believed that this application should now be in condition for allowance, in the event that any issues should remain, or an new issues arise, after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for the purpose of resolving any such issue and thereby facilitating prompt approval of this application.

Lastly, accompanying this response is a request for extension of time petition and authorization to charge same to the deposit account of the undersigned's firm. However, should this extension of time petition become separated from this Amendment, then it is

requested that this Amendment be construed as containing such a petition and the fee therefore should be charged to Deposit Account No. 50-2478(740116-608)

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. S. Safran', written over a horizontal line.

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